UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. JERRY WOOD JR., Defendant.	NO. CR12-326-RAJ SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

An evidentiary hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on March 27, 2013. The United States was represented by Assistant United States Attorney Andrew Colasurdo, and the defendant by Dennis Carroll.

The defendant had been charged and convicted of Possession with Intent to Distribute and Distribution of 5 Grams or More of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B). On or about February 3, 2009, defendant was sentenced by the Honorable William M. Skretny in the Western District of New York, to a term of 46 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance abuse and mental health programs; financial disclosure; submit to search; obtain a mental health evaluation and participate in any recommended treatment as directed by probation officer; employment approved by USPO; register as a sex offender in jurisdiction where he resides; participate in sexual deviancy treatment; actively participate and make reasonable progress in sex offender treatment; follow all rules to include lifestyle restrictions by his therapists; no loitering within 100 feet of minors; no direct or indirect contact with minors; residence shall be pre-approved by the probation office; submit to polygraph testing; and provide access to any requested financial information.

In a Petition for Warrant or Summons, dated February 15, 2013, U.S. Probation Officer Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his supervised release:

(1) Failing to make reasonable progress in a sexual deviancy treatment program, as of February 8, 2013, in violation of his special condition of supervised release.

(2) Failing to follow all treatment rules and lifestyle restrictions as directed by the defendant's therapist, as of February 8, 2013, in violation of his special condition of supervised release.

(3) Having contact with minor aged children as of February 8, 2013, without the prior approval of his sexual deviancy therapist (SOTP), in violation of his special condition of supervised release.

(4) Consuming alcohol on January 26, 2013, in violation of standard condition number 7.

(5) Associating with Tory E. Holmes, a convicted felon, on January 26, 2013, in violation of standard condition number 9.

(6) Associating with persons engaged in criminal activity on or before January 31, 2013, in violation of standard condition number 9.

(7) Committing the crime of driving while intoxicated on February 3, 2013, in King County, Washington, in violation of the general condition that he not commit another federal, state, and/or local crime.

(8) Consuming alcohol on February 3, 2013, in violation of standard condition number 7.

On March 19, 2013 defendant made his initial appearance. The defendant was advised of his rights and acknowledged those rights. On March 27, 2013, this matter came before the Court for an evidentiary hearing. Defendant admitted to violations 1, 2, 4 and 6, and the government withdrew violations 3 and 5. As to violations 7 and 8, an evidentiary hearing proceeded based on submitted Exhibit 1. After consideration, the Court found defendant to have committed violations 7 and 8.

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations 1, 2, 4, 6, 7 and 8, and that the Court conduct a hearing limited to disposition. A disposition hearing on these violations has been set before the Honorable Richard A. Jones on May 3, 2013 at 3:30 p.m.

Pending a final determination by the Court, the defendant has been detained.

DATED this 28th day of March, 2013.

James P. Donohue

JAMES P. DONOHUE
United States Magistrate Judge

cc: District Judge: Honorable Richard A. Jones
AUSA: Andrew Colasurdo
Defendant's attorney: Dennis Carroll
Probation officer: Thomas J. Fitzgerald